Intermec Technologies Corp. v. Palm, Inc.

Doc. 302 Att. 8

EXHIBIT I

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From: Lee, Alvin (Perkins Coie)
Sent: Wednesday, October 22, 2008 11:21 PM
To: 'Lester L. Levy'
Cc: Farzan, Farschad (Perkins Coie)
Subject: Re: Google/Hanson - Summary of Meet and Confer

Lester,

As discussed, please find below a summary of last week's meet and confer on plaintiffs' discovery responses. Please let me know if you have any changes or additions. In addition, let me know if you are available for a follow-up call on October 30 at 11:00 am Pacific time.

Requests for production

General Issues

- You said that you did not know what searches your clients had conducted and that you are unwilling to find out. You told us to ask your clients ourselves at their deposition.
- You agreed to follow-up to determine whether any document has been withheld on the ground of any privilege.
- You agreed to consider reviewing your clients' tax returns for any documents responsive to any of the requests.

Stern RFPs

You confirmed that Stern has produced all documents responsive to all requests in the first set of RFPs and to requests 13-15, 19, 22-24, 26-32, 34-39, 41, 43-44, 67-69, 72-73, and 76 in the second set, and that he is not withholding any responsive documents based on any objection.

You confirmed that there are no documents responsive to Nos. 18, 20-21, 25, 40, 55-59, 61-64, and 70-71, and that Stern is not withholding any responsive documents based on any objection.

You have now confirmed there are no documents responsive to requests 16-17, 33, 42, 45-54, 60, 65-66 and 74, and that no documents are being withheld on the basis of any objection. Please amend these responses accordingly.

You asked us to narrow request 75 by limiting it to civil actions involving moral turpitude and criminal actions. We agreed to consider this request.

CLRB Hanson RFPs

You confirmed that CLRB has produced all documents responsive to all requests in this first set and to requests 13-15, 19, 22-24, 26-32, 34-39, 41, 43-44, 69, 74, and 77 in the second set, and that it is not withholding any responsive documents based on any objection.

You have confirmed that there are no documents responsive to requests 18, 20-21, 33, 52, 55-57, 61-65, and 70-73, and that CLRB is not withholding any responsive documents based on any objection.

With regard to document request numbers 16-17, 25, 40, 42, 45-51, 53-54, 58-60, 66-68, and 75-76, you have now confirmed there are no responsive documents and that no documents are being withheld on the basis of any objection. Please amend the responses to these requests accordingly.

Requests for Admission

With regard to all of the RFAs except numbers 7, 9, and 10, you have agreed to consider explaining plaintiffs' understanding of the requests, including their understanding of any terms or phrases to which they object based on vagueness and ambiguity.

You have further agreed to consider taking out the quotes around the terms "realized" and "predict" in the responses to RFA Nos. 4 and 6, or in the alternative, to explain plaintiffs' understanding of those terms as used in those responses.

We have agreed to consider your request for clarification of the term "RESELLERS" as used in RFA Nos. 9 and 10.

Interrogatories

You agreed to determine whether any responsive information is being withheld on the basis of any objection, including any of the 24 general objections.

You have refused to amend plaintiffs' responses to Nos. 1, 6, 10 and 12, to include all supporting facts, and you stated that you would stand on your stated objections.

You are unwilling to amend plaintiffs' responses to Nos. 2 and 7. You stated that plaintiffs do not have all of the necessary information to calculate their claimed damages, and that Google can calculate plaintiffs' claimed damages for itself. We told you that we have produced all of their account information, including all charge information, and that, therefore, plaintiffs have all the information to calculate their claimed damages. You were unable to identify any information you are missing. You further stated that you needed to take further discovery.

You said you are unwilling to amend plaintiffs' responses to No. 3.

You said you are unwilling to amend CLRB's response to No. 5. You agreed to consider asking Stern for a specific date to insert into his response to No. 5.

For No. 9, you agreed to consider asking Stern for additional facts regarding his knowledge of those instances when he allegedly could not meet demand resulting from over-delivery credits.

You said you are unwilling to amend CLRB's response to No. 11 to indicate whether Brett Hanson and Cindy Hanson have been deposed other than as a witness on behalf of CLRB. For Stern's response to No. 11, you agreed to confirm Stern has never been deposed.

We will consider your proposal to amend No. 13 by replacing the phrases "may not have known" or "may not have had" with "did not always have" in plaintiffs' responses. You said you would not amend plaintiffs' responses to provide all supporting facts.

You agreed to consider amending CLRB's response to No. 14 by removing the language "to the extent it understands the interrogatory." You agreed to consider requesting additional information from Stern in response to No. 14.

You said plaintiffs would not provide substantive responses to No. 15, and you stated that you would stand on your stated objections.

You agreed to consider amending CLRB's response to No. 16 by describing the roles and duties of Brett Hanson. You said that Cindy Hanson had no involvement with AdWords. You agreed to consider amending Stern's response to No. 16 to state that, as the sole operator of his business, he had no roles or duties.

You said you will consider amending plaintiffs' responses to No. 17 by identifying each portion of their respective contracts with Google that they claim is void or voidable. However, you said you will not add supporting facts.

You said you will not amend CLRB's response to No. 18.

The parties agreed to defer the meet and confer on plaintiffs' responses to Nos. 19 and 20 until the meet and confer on the underlying RFAs are concluded.

We will defer discussion of plaintiffs' responses to No. 21 pending any change in the response to the underlying RFA.

You confirmed that the plaintiffs' responses to No. 22 are the best responses after a reasonable and diligent inquiry and no information is being withheld on the basis of any objection.

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